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SUBJECT: MALAWI: PARLIAMENT FAILS TO MEET ON SECTION 65,
BUT ONLY MUTHARIKA MAKES NOISE

REF: LILONGWE 517

¶1. (SBU) Summary: President Mutharika publicly confirmed September 29 that he would not recall the National Assembly as agreed in late August when Parliament passed the national budget (reftel). The agreement, negotiated by opposition and government leaders in Parliament but never endorsed publicly by Mutharika, also included the reassignment of Matilda Katopola, the Clerk of Parliament. However, Mutharika instead threatened to "smash the doors open" if the Parliamentary Service Commission (PSC) did not remove locks it placed on Katopola's office within seven days. Opposition leaders had previously promised to hold the government to the compromise agreement, but party spokespersons have so far expressed only muted disappointment to the press. Comment: Both opposition parties' public statements imply that neither truly expected the agreement to be honored. Moreover, party spokesmen have admitted a court challenge would be difficult since the agreement is of a political, rather than legal nature. With Mutharika unlikely to call for a new session of Parliament before the May 2009 elections, it appears the MCP and UDF will have to be content with criticizing the DPP's duplicity and authoritarian tendencies on the campaign trail. End Comment and Summary.

¶2. (U) In a Lilongwe airport press conference September 29 following his return from UNGA meetings, President Bingu wa Mutharika wasted no time in confirming that he would not honor the late-August agreement that resulted in the passage of the national budget. The agreement was negotiated by Democratic Progressive Party (DPP) and opposition leaders in the Parliament, but Mutharika never explicitly consented to it. The agreement called for Parliament to meet by September 29 so the Speaker could implement Section 65 of the Constitution. Section 65 would force the majority of the DPP's members to vacate their seats for changing parties after they were elected. Mutharika reiterated he would only recall Parliament if the opposition promised to "behave responsibly" -- as opposed to bringing up Section 65 -- and pass key development bills such as authorization for the Malawi-Mozambique electricity interconnection project.

¶3. (U) Mutharika also voided the second part of the August agreement by refusing to reassign Matilda Katopola from her position as the Clerk of Parliament. He threatened to "smash the doors open" to Katopola's office if the PSC did not remove locks it had placed on the doors within seven days. The PSC found Katopola guilty of awarding her own company a printing service contract without going through proper procurement procedures. Mutharika pardoned Katopola for the offense and claimed opposition MPs were simply out to get her because she had restored financial discipline to the Parliament. Mutharika credited Katopola with ending the

practice of MPs taking loans from Parliament and never repaying them.

¶4. (SBU) Opposition leaders from both the Malawi Congress Party (MCP) and United Democratic Front (UDF) previously promised to force the government to honor the agreement. However, in the week following the deadline, party spokespersons expressed only muted disappointment, calling Mutharika a dictator and bemoaning the lack of effective checks and balances on the executive. Neither John Tembo or Bakili Muluzi, the respective leaders of the MCP and UDF, have made any public comments on the missed deadline. The PSC has been slightly bolder, so far refusing the President's directive to unseal Katopola's office, claiming they needed official notification.

¶5. (SBU) Comment: Opposition leaders continue to tell embassies privately that they will not let the broken agreement go unpunished, yet neither UDF or MCP has tipped their hands on how they will fight back. Both parties' public statements imply that neither truly expected the agreement to be honored. Moreover, the parties have admitted a court challenge would be difficult since the agreement is of a political nature. With Mutharika unlikely to call for a new session of Parliament before the May 2009 elections, it appears the MCP and UDF will have to be content with criticizing the DPP's duplicity and authoritarian tendencies on the campaign trail.

SULLIVAN